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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,008

02/19/2004

James L. Adamson

3435.02US01

6980

24113

7590

03/09/2012

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EXAMINER

CAMPBELL, SHANNON S

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

03/09/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,008

Applicant(s)

ADAMSON ET AL.

Examiner

SHANNON CAMPBELL

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-11, 13-18, 22 and 24-29 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-11, 13-18, 22 and 24-29 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-806)
Paper No(s) Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s) Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 July 2011 has been entered.

Status of Claims

2. Applicant has amended claims 1, 2, 11, and 22. Claims 12, 19-21, and 23 have been cancelled. No claims have been newly added. Thus, claims 1-11, 13-18, 22, and 24-29 remain pending and are presented for examination.

Response to Arguments

3. Applicant's arguments with respect to the rejection of claim 1 under 35 U.S.C. 112, 1st Paragraph have been considered but are moot because the Applicant has amended the claim language to omit the new matter. However, a new rejection of claim 1 under 35 U.S.C. 101 has been issued as explained below.

4. Applicant's arguments and amendments with respect to the rejection of the claims under 35 U.S.C. 112, Second Paragraph, have been fully considered and are

persuasive. Thus, the rejection of the claims under 35 U.S.C. 112, Second Paragraph has been withdrawn.

5. Applicant's arguments with respect to the rejection of the claims under 35 U.S.C. 103 (a) have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-11, 13-18, 22, and 24-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "wherein the CVB organization is not providing services that are provided by the plurality of independent service providers" does not have support within the specification. The Applicant argues that Fig. 2 show various services that are provided by the members and that the CVB is not shown as providing an of those service; however, this is not adequate support for showing that the CVB is "not providing" services. When there is a negative limitation within a claim, the claim must show explicit, no implied, support for those negative limitations. Accordingly, the Applicant must direct the Examiner to

explicit support (specific passages) for the negative limitations of the claim, or remove the new matter from the claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 2, 9, 11, 18, 22, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth [US 2001/0032170] in view of Wright et al [US 6,581,040], and an article entitled, "Off-Site meeting Planning: A to Z Instructions for the Inexperienced Manager" by Joan Eisenstodt (hereinafter referred to as 'Eisenstodt').

As per **claims 1, 11, and 22**, Sheth discloses a method comprising:

receiving a request for proposal (RFP) from an organizer [0072; 0074; 0085; 0086; 0089; 0090; user posts a RFP to marketplace that consists of a marketplace owner and manager that represent and/or promote the event by posting RFP on their marketplace for vendors to view];

compiling related information about the RFP and electronically publishing the RFP and related information on a member user interface hosted by an application service provider and accessible to the plurality of independent service providers [0015;

0017; 0069; 0079; 0083; 0101; 0120; marketplace owner can easily submit a RFP, via a web application, to an exclusive group of registered vendors];

receiving from at least two of the members (independent service providers), a periodic logging into of the member user interface hosted by a computing system maintained by an application service provider to review the RFP and related information [0091; vendors review a list of posted projects] and, in response, receiving an electronic form that is completed on the member user interface by the member (independent service provider) for any services responsive to the RFP that the member (independent service provider) is willing to make available [0093; 0095]; wherein the data related to the services contained in the completed form is confidential to the CVB organization and the member (independent service provider) who are willing to make said services available [0073; 0074; private marketplace];

automatically incorporating information from the electronic form into a database stored in a storage system maintained by the application service provider, wherein the database includes data from electronic forms of at least two members (independent service providers) willing to make services available responsive to the RFP for the event [0074; 0093; 0101; 0135; vendor submits bids through form on interface and database stores info on the bid];

preparing an aggregated response to the RFP that includes information about services from at least two members (independent service providers) that is then communicated to organizer [0086; 0095; 0146]; and

if the organizer accepts the response to the RFP for the event, having the organizing party electronically communicate with each of the at least two members (independent service providers) that the response to the RFP has been accepted and that each member (independent service provider) can enter into bilateral contracts directly with the organizer for the services identified in the electronic form for the event [0086; 0088].

Sheth does not disclose reviewing the projected service availability database for the RFP for the given destination event. However, Wright et al discloses automatically incorporating information from the electronic form into a projected service availability database stored in a storage system maintained by the application service provider and having the organizing party review the projected service availability database for the RFP for the given destination event [col 10, lines 9-25]. It would have been obvious to one of ordinary skill in the art to include in the RFP system of Sheth et al the ability to incorporate information from the electronic form into a projected service availability database as taught by Wright et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Sheth does not disclose that the information in the database is accessible only by the CVB. However, Wright et al disclose that the complete database is not available to every user (col 10, lines 10-12). Hence, it is well within the knowledge of one of ordinary skill in the art at the time of the invention to manage database rights so that

only one organization would have rights to specific database (e.g. projected service availability database). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sheth with Wright et al and include providing the CVB with the only rights to access the projected service availability database for security purposes.

The difference between Sheth in view of Wright et al and the claimed subject matter is that Sheth in view of Wright et al does not disclose that the RFP is from a potential destination event organizer requesting information from a convention visitor's bureau on hosting a given destination event in the form of an event hosted by a city or regional or metropolitan area, wherein the CVB organization is an organization including representatives employed by or contracted by the CVB organization who are tasked with promoting a given destination event and that the independent service providers are members of the CVB organization, wherein the CVB organization is not providing services that are provided by the plurality of independent service providers that are members of the CVB organization, and the plurality of independent service providers are located within the city or regional or metropolitan area of the given destination event. Sheth in view of Wright et al discloses the RFP is from an event organizer and the claim calls for the RFP to be from potential destination event organizer requesting information from a CVB. Eisenstadt discloses a RFP from a destination event organizer is presented to a CVB organization in a targeted city, wherein the CVB organization submits the RFP to its members (page 4, para. 6). Eisenstadt shows that the receiving

an RFP from a potential; destination event organizer requesting information from a CVB on hosting an event in a city was known in the prior art at the time of the invention.

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself -- that is in the simple substitution of the RFP request from a potential destination event organizer requesting information from a convention visitor's bureau in Eisenstodt for the RFP request from an event organizer in Sheth in view of Wright et al. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

As per **claim 2**, Sheth in view of Wright et al and Eisenstodt disclose all the limitations of claim 1. Wright et al further discloses wherein updates to information in an RFP provided by the potential destination event organizer is automatically made available by the CVB to members via the member user interface [col 9, lines 29-37]. It would have been obvious to one of ordinary skill in the art to include in the RFP system of the modified Sheth the ability to make update automatically available as taught in Wright since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 9, 18, and 29**, Sheth in view of Wright et al and Eisenstodt disclose all the limitations of claim 1, 11, and 22. Wright et al further discloses wherein

the application service provider also hosts a customer webpage interface and the potential destination event organizer submits the RFP for a given destination event via the customer webpage interface [col 11, lines 11-20]. It would have been obvious to one of ordinary skill in the art to include in the RFP system of the modified the ability to submit the RFP via a webpage as taught in Wright since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. **Claim 5-8, 15-17, and 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth [US 2001/0032170] in view of Wright et al [US 6,581,040], and an article entitled, "Off-Site meeting Planning: A to Z Instructions for the Inexperienced Manager" by Joan Eisenstodt (hereinafter referred to as 'Eisenstodt') as applied to claim 1 above, and further in view of Tromczynski et al [US 2006/0010023].

As per **claim 5**, Sheth in view of Wright et al and Eisenstodt do not disclose explicitly wherein the RFP includes a date by which the response is due and the application service provider automatically sends email reminders to members if the members have not submitted electronic form for the RFP prior to the date by which the response is due. However, Tromczynski et al discloses sending a reminder to service providers as the due date for RFPs approaches [0048]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sheth in view of Wright et al and Eisenstodt to include wherein the RFP

includes a date by which the response is due and the application service provider automatically sends email reminders to members if the members have not submitted electronic form for the RFP prior to the date by which the response is due as taught by Tromczynski et al so that all providers are provided an opportunity to reply.

As per **claims 6, 15, and 26**, Sheth in view of Wright et al and Eisenstodt do not explicitly disclose wherein the members of the CVB organization include at least two hotel members and the electronic form for the hotel members includes availability and prices for blocks of hotel rooms in response to the RFP, and wherein the projected service availability database includes a projected occupancy room flow for the destination that the CVB organization utilizes in preparing the response to the RFP. However, Tromczynski et al discloses that CVB organization includes a hotel and the hotel provides availability and prices for rooms. Tromczynski et al further discloses that the number of available guest rooms is considered when accepting a provider [0038]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sheth in view of Wright et al and Eisenstodt to include the method disclosed by Tromczynski et al to ensure proper accommodations.

As per **claims 7, 16, and 27**, Sheth in view of Wright et al and Eisenstodt do not explicitly disclose wherein the application service provider includes a software module that automatically analyzes the projected occupancy room flow and generates a hotel availability portion of the response to the RFP. However, Tromczynski et al discloses providing summaries of availability for services for a required date [0038]. Further, it is not 'invention' to broadly provide a mechanical or automatic means to replace manual

activity which has accomplished the same result, see *In re Venner*, 120 USPQ 192 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sheth in view of Wright et al and Eisenstodt to include the method disclosed by Tromczynski et al so that organizer makes a well informed decision.

As per **claims 8, 17, and 28**, Sheth in view of Wright et al and Eisenstodt do not explicitly disclose wherein the application service provider hosts a software module that selectively integrates portions of the projected service availability database in order to display on the member user interface non-confidential summaries of the future availability of selected services for the destination by date. However, Tromczynski et al discloses providing non-confidential (i.e., published on website) summaries of availability for services for a required date wherein the availability is stored in a database [0038]. Further, it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result, see *In re Venner*, 120 USPQ 192 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sheth in view of Wright et al and Eisenstodt to include the method disclosed by Tromczynski et al so that organizer makes a well informed decision.

11. **Claims 3, 4, 13, 14, 24, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth [US 2001/0032170] in view of Wright et al [US 6,581,040], and an article entitled, "Off-Site meeting Planning: A to Z Instructions for the Inexperienced

Manager" by Joan Eisenstodt (hereinafter referred to as 'Eisenstodt') as applied to claim 1 above, and in further view of Creedle et al [US 2008/0133307].

As per **claims 3, 13, and 24**, Sheth in view of Wright et al and Eisenstodt do not explicitly disclose wherein once the electronic form is submitted by a member, any changes to the electronic form made by a member are made to the projected service availability database only when approved by the CVB. However, Creedle et al discloses any changes to the project proposal are approved by schedule reviewer/ general contractor (CVB) [0045; 0055]. It would have been obvious to one of ordinary skill in the art to include in the RFP system of Sheth in view of Wright et al and Eisenstodt the ability to allow the CVB to approve changes made by a member taught by Creedle et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 4, 14, and 25** in view of Wright et al and Eisenstodt do not disclose wherein the application service provider automatically maintains an audit trail of all information submitted by each member via the electronic form to the projected service availability database and all changes approved by the CVB. However, Creedle et al Creedle et al discloses any changes to the project proposal are approved by schedule reviewer/ general contractor (CVB) [0045; 0055]. Creedle et al further discloses that the project auditor can view audit trails for the project [0045]. It would have been obvious to one of ordinary skill in the art to include in RFP system of Sheth in

view of Wright et al and Eisenstodt the ability to maintain an audit trail of changes as taught by Creedle et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

12. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth [US 2001/0032170] in view of Wright et al [US 6,581,040], and an article entitled, "Off-Site meeting Planning: A to Z Instructions for the Inexperienced Manager" by Joan Eisenstodt (hereinafter referred to as 'Eisenstodt') as applied to claim 1 above, and in further view of Official Notice.

As per **claim 10**, Sheth in view of Wright et al and Eisenstodt do not disclose wherein software modules that support the member user interface and the projected services availability database are updated and maintained by the application service provider and not by the CVB organization. However, the Examiner takes Official Notice that it is old and well known in the computer industry to have an application service provider update and maintain software. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sheth in view of Wright et al and Eisenstodt to include wherein software modules that support the member user interface and the projected services availability database are updated and maintained by the application service provider and not by the CVB organization to streamline operations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON CAMPBELL whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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